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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			
RESPONSE TO NOTICE TO FILE MISSING PARTS - FILING DATE GRANTED		Docket Number: <b>11443/160</b>	
Application Number <b>10/785,672</b>	Filing Date <b>February 23, 2004</b>	Examiner	Art Unit <b>3732</b>
Invention Title <b>SURGICAL CUTTING AND STAPLING DEVICE</b>		Inventor(s) <b>Michael P. WHITMAN et al.</b>	

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22131-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: December 13, 2004

Signature

Reg No. 42,674

To complete the filing requirements for the above-referenced application under 37 C.F.R. § 1.51, 1.84 and 1.21, enclosed please find the executed Declaration and thirty-three (33) sheets of Replacement Drawings. Also enclosed is a Power of Attorney By Assignee of Entire Interest and Notice to File Missing Parts of Nonprovisional Application mailed October 13, 2004.

1. The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.16(e) **small-entity** surcharge fee of **\$65.00** to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**. If any further fees are due or to credit any overpayment, please use the deposit account of Kenyon & Kenyon.
2. A copy of this sheet is enclosed.

Date: December 13, 2004

By:

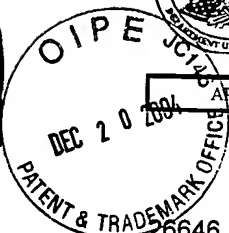
Thomas C. Hughes, Reg. No. 42,674

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/785,672	02/23/2004	Michael Whitman	11443/160

26646  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

CONFIRMATION NO. 2683

## FORMALITIES LETTER



\*OC000000014074177\*

Date Mailed: 10/13/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch). See Figures(s) 7c, 10c, 11a, 11b.
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 2-6, 15a.
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 6a, 6b.
  - Numbers, letters, and reference characters on the drawings must measure at least

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0.32 cm (1/8 inch) in height. See Figure(s) 6b, 7a, 7c, 10-11, 12a, 12b, 13c, 15a-15c, 18a.

- The drawings must be made on paper that has a white background (see 37 CFR 1.84 (e)). For example, drawings on graph paper, lined paper, or paper that has a non-white background are not acceptable. See Figure(s) 12a-12c, 16, 17.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

T.C.V.  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE